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editorials

Paying For Prying

In the latest decision in a series of civil suits over the illegal opening of private citizens' mail by the Central Intelligence Agency from 1953 to 1973, U.S. District Judge Jack B. Weinstein of Brooklyn has awarded damages to three more plaintiffs. Last year he ordered the government to pay three other plaintiffs \$1,000 apiece in damages and to apologize in writing for opening one piece of mail sent to each. Corliss Lamont, a civil liberties advocate and one of the plaintiffs in the most recent case, was awarded \$2,000 in compensation for the CIA opening of two love letters he had written to his wife. The judge called the mail-opening "despicable" government prying.

Judge Weinstein made clear that his awards might have been higher if there were not so many potential plaintiffs. A Senate investigating committee determined that the CIA, during a 20-year operation, opened more than 215,000 letters—which might make the government liable for some \$215 million. Assistant Attorney

General Barbara Babcock said the government's liability might be still higher. The cost of government spying might run to more than \$1 billion in damages if claims for all illegal invasions of privacy by the CIA, FBI and other agencies are filed and upheld.

The irony, as Judge Weinstein noted, is that "these damages will not be paid by the bunglers responsible for the wrongs but by the taxpayers, who were unaware of the program." Moreover, the Justice Department has decided not to prosecute the snoopers because there would be little prospect of getting convictions. Yet clearly, when a wrong has been done, the law should provide a remedy—even if the taxpayers must foot the bill. The most regrettable fact of all is that many of the snoopers still do not recognize the reprehensible nature of their activity. As an attorney for one of the plaintiffs said, the CIA's letter of apology was "mealy-mouthed—they just won't concede that what they did was wrong."